

REMARKS/ARGUMENTS

Applicant extends thanks to Examiner Saadat for the courtesy of a telephone interview with Applicant's undersigned representative on Wednesday, July 7, 2010. This amendment is filed in response to the final Office Action of June 8, 2010. A Request for Continued Examination (RCE) accompanies this response. Entry of the amendments in accordance with the RCE, and further examination and reconsideration of the application, are requested. With entry of the claim amendments, it is believed that the application is in condition for allowance.

Telephone Interview Summary

During the telephone interview, the pending Office Action, Masterson reference, and proposed amendments to the independent claims (claims 1 and 6) were discussed. It was agreed that the proposed amendments provide claim features that are patentable over the Masterson reference. These claim features are described in greater detail below. It is understood that further search and examination of the claims as amended will be necessary, hence the accompanying RCE.

The Office Action Rejection

The two independent claims are claim 1 and claim 6. All of the pending claims (claims 1-14) were rejected under 35 USC 103 over US Patent No. 6,732,076 to Masterson.

Masterson was cited for pronunciation error criteria being received into the computer prior to receiving the user utterances (see Page 3 of the Office Action). The claims were rejected as obvious in view of Masterson and official notice that educational systems are well-known for providing authoring steps prior to administering a test, the Office Action concluding that teacher input of authoring data prior to testing "has an obvious well-known result."

The Amendments to Claim 1

Claim 1 as amended recites several features that distinguish it from Masterson and the other references of record. Claim 1 as amended is reproduced below:

1. (Currently Amended) A computerized method of teaching spoken language skills comprising:

(a) Receiving multiple user utterances by a user of a plurality of words from an audio input device into a computer system, the user utterances comprising recorded spoken responses to application prompts of a display of the computer system;

(b) Providing an analysis prompt on the display for actuation by the user after the plurality of words have been recorded;

(c) Analyzing the user utterances in the computer system in response to actuation of the analysis prompt so as to detect pronunciation errors in the user utterances in the plurality of words according to basic sound units and Pronunciation error criteria received in the computer system prior to receiving the multiple user utterances;

(d) Providing feedback from the display of the computer system to the user in accordance with the analysis.

Claim 1, as amended, recites that multiple user utterances by a user of a plurality of words are received from an audio input device into a computer system, and claim 1 further recites providing an analysis prompt on the display for actuation by the user after the plurality of words have been recorded. Claim 1 also recites that the user utterances are analyzed in the computer system, and are analyzed in response to actuation of the analysis prompt so as to detect pronunciation errors in the user utterances according to basic sound units and Pronunciation error criteria received in the computer system prior to receiving the multiple user utterances. Claim 1 then recites that feedback is provided to the user from the display of the computer system in accordance with the analysis. These claim features are supported by the specification. See, for example: page 5, lines 11-20 (user records responses); page 5, lines 21-24 and page 6, lines 1-4 (an analysis button is presented on the display after all words have been recorded); page 6, lines

8-11 (a software analysis program analyzes the user utterances); and page 6, lines 12-14 (the analysis of the recording is initiated without first receiving error criteria).

Features Not Discussed by Masterson

Masterson is lacking many features of claim 1 as amended. For example, Masterson does not discuss receiving user utterances of a plurality of words and does not discuss providing an analysis prompt on the display for actuation by the user after the plurality of words have been recorded. Masterson does not discuss analyzing the user utterances in the computer system. Rather, Masterson depends on a teacher performing the error analysis, not the computer. See, for example, Masterson at col. 4, lines 46-48 (the therapist scores the student's pronunciation). Masterson does not provide feedback from the display to the user in accordance with the computer-performed analysis.

Thus, Masterson operates in a fundamentally different manner from the manner specified by claim 1, at least for the reason that Masterson requires the input and participation of a teacher. It is submitted that Masterson cannot provide the features of claim 1 as amended. Therefore, Masterson cannot provide the features of claim 1 as amended, and it is submitted that claim 1 is allowable over Masterson.

Claim 6 is an apparatus claim that is amended in a manner similar to that of claim 1. That is, claim 6 as amended recites features similar to those of claim 1. Therefore, claim 6 as amended is allowable over Masterson at least for the reasons discussed above with respect to claim 1.

The dependent claims (claims 2-5 and 7-14) depend directly or indirectly from claim 1 or from claim 6. It is submitted that all the dependent claims are patentable at least for the reason of depending from a claim that is allowable.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

Appl. No. 10/599,902
Amdt. dated July 8, 2010
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 3715

PATENT

Further, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment in connection with this paper to Deposit Account No. 20-1430.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858-350-6100.

Respectfully submitted,



David A. Hall
Reg. No. 32,233

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 858-350-6100
Fax: 415-576-0300
Attachments
DAH:dah
62726183 v1